App. F. IX-4

Preserve

Previous References

G. B. 185-36 (1-2)

1937. B/ 1815 (Judl)

File No. 245-37

Serial Nos. 1 - 4

Later References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4.

Part B for Feb. 1940.

SUBJECT.

Unauthorised construction of a mosque in Nidaphalla Village, Hosdrug Taluk

---

G. O. No. 1550-1 Dis/26-1-1940

The Tahsildar, Kasaragod.

WD 0573—GPB—22,500—12 9-39

Forward the Muhammadans of Nidaphalla, Hosdrug Taluk to use the mosque, built long ago at Nidaphalla as a mosque subject to fair conditions

Unauthorized construction of a mosque at Nidaghatta, Hoskote Taluk.

General and Revenue Secretariat — Mysg. File No. 245 of 1937 — [App. F. III—2

Serial No.

From the Mysore Comr

No - C. 1339/34-35 dated 24/25.3.38

Proposes that the use of the mosque at Nidaghatta, Hosakote Taluk, unauthorizedly constructed, may be prohibited under the circumstances explained by him.

1) The construction of any new building to be used as a place of worship by any class of people without the previous sanction of the Dy. Comr. of the district is prohibited. (Vide Chief Commissioner's order No. 2528-72 dated 22nd Aug. 1871). This order has been held to be still in force in G.O. No. 914 dated 6th June 1893. The order forbidding the use of music by religious processions when passing a place of worship of other communities has been held to be not applicable in the case of new places of worship unauthorizedly constructed. (Vide para 3 of the Chief Comr's order of 22nd August 1871). The Mysore

* Vide page 364 of the Mysore manual.

† Vide page 165 of the Mysore manual.

@ Vide page 64 of the Chamarajanagar manual.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8 37

2) Unauthorized construction of a mosque at Widaghatta, Hookeri Taluk.

Mysg. File No. 245 of 1937. | General and Revenue Secretariat

Comr. reports that the Mohamedans residents of Widaghatta are not prepared to accept this condition. He therefore proposes that the use of the building as a mosque may be prohibited. The Magrai Comr. perhaps apprehends a breach of the peace, if the use of the building as a mosque is not prohibited. Govt. have already held that as regards the use of this building as a mosque the standing orders on the subject should be followed. (Vide ~~letter~~ General Secretary's letter No. 1443 C.B. 185-36-5 dated 24th Novr. 1937). The Confidential Branch may be requested to put up the connected file, which is not available in the General Records. *

* Vide flag V

28-3-38.

2. CS 185-36 (Sl. 405) Cmte ealy No 62-36 is subd herewith.

29/3/38 (CS)

Asst. Secy. Mysg)

3. In this case the land having been conveyed by

Unauthorized construction of a mosque at Vidaghatta, Hoskote Taluk.

1116

General and Revenue Secretariat — File No. 245 of 1937. [App. F. III—2

Serial No.

and under present orders, new places of worship are permitted only if the persons responsible agree to abide by the condition that no obstruction would be caused to the passing of religious or other processions of any community or any persons in front of the building. In this case the residents of the Village are not agreeable to this condition. In these circumstances, the M. is of view that the building should be prohibited from being used as a mosque may perhaps be accepted & orders issued accordingly. It is also that the residents are not agreeable to persuasion—

Gen Secy

29/3/38

SECRETARY.
27 MAR 1938
5610

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

4) Unauthorized construction of a mosque at Nidaghatta, Hoskote Taluk.

5916/p637

Mysg File No. 245 of 1937.

General and Revenue Secretariat

4. Govt may see Govt how to prohibit the use of a building as a mosque? If so, under what section of what law? The Law Secy may be consulted

Govt 6-4-38

Asst Secy Law 6/4

Law 12/4/38

5 I have not been able to find any provision of law under which the Govt can prohibit the use of a building as a mosque or temple etc. But in the interests of public peace, action may be taken under Section 144 Cr. Pr. Code. The period of order passed by the Magistrate may be extended, by Govt under Sub-Section (6), so long as the danger apprehended continues to exist

314 Law BKR 12.4

BKR 31.5

Asst Secy Mysg for Secy

Secy: Secy

GENERAL SECRETARIAT 1 JUNE 1938 720

Unauthorized construction of a mosque at Nidaghatta

Serial No.

6. There is no provision of law under which people can be prohibited from using a building as a mosque. No doubt Section 144 of the Criminal Procedure Code can be invoked, but that will have force only for two months unless extended subsequently by the Government. It is only an emergency measure.

× 7

× 7. The Chief Commissioner's Notification of 22nd August 1871 is to the effect that no buildings intended to be used as places of worship by any class of the community should be erected on any public street or thoroughfare in any Town or village without the previous sanction of the District Officer in each case. But this is merely an executive order and has not got the force of law. Further no penalty is provided for a breach of the order. That Notification goes further to state that the order forbidding the use of music by religious processions when passing a place of worship of another persuation, will not hold applicable in the case of any building of the nature under advertance, that may be hereafter erected in a public street or thoroughfare without due sanction. That Notification takes away the privilege of stoppage of music in respect of new places of worship that may be built without due sanction. Consequently if these Nidaghatta people choose to use the building in question as a mosque, they cannot claim stoppage of music. The authorities will

WD 03594—GPB—30,000—18-7 35

6) Unauthorised construction of a mosque at Vidyaghatta. 1116

Mysy. File No. 2 45 of 1937. General and Revenue Secretariat

have to support other communities exercising their natural right to go in procession with music in the street and should not allow the objection of users of this mosque to prevail. It might be notified to these people, who insist upon using this building as a mosque, that if they so use it, they cannot claim the privilege of stoppage of music.

8 It was not necessary to have asked them to execute a mutchalika that no obstruction will be caused to the passing of religious or other processions by any community on any occasion in front of the building. The Chief Commissioner's Notification grants such privilege only to the old places of worship and not to new places of worship which are constructed without due sanction. Consequently it is immaterial whether these people agree to such a condition or not, as they cannot claim such a privilege for this building as this is a new place of worship. They cannot cause obstruction under law to the passing of religious or other processions by other communities and this may be made clear to them.

9. One other step that Government can take, which will be rather drastic, is to raise high walls on Government land close to this building just on the northern and eastern sides. This will compel them to keep their main door on the back side.

I don't agree this practice is to ensure that they have one door of the structure facing the public road

7 s/ 2/7.

1st Member)

C 11/7/38

Unauthorised Construction of a mosque at Nidagallu — Hosakote Tk.

General and Revenue Secretariat — Muz File No. 245 of 1937. [App. F. III—2

Serial No.

75/37

I) Please put up the Ch Comrs notfn. It is too late in the day to suggest it is not law, having been enforced & acted upon all these years!

5/8/37

11/7 6/11/37

(The original records are not available)

II) A copy of the Chief Commissioner's Memorandum dated 22.8.1871 in Muzrai 589 of 1892-93 is placed below.

1st Member

OFFICE OF THE FIRST MEMBER OF COUNCIL
JUL 12 1938
No. 430

12) I am not prepared to accept the view of the Additional Secretary in its entirety. The Chief Commissioner Notification has been in force and acted upon for the last sixty years. In Sir Seshadri Iyer's minute in the Muzrai file 589 of 1892-93, the effect of this notification is analysed and it is pointed out in the subsequent Government Order dated the 6th June 1893 that under this notification the District Officer has power to give sanction to the erection of a place of worship. The object of this provision is to prevent bad feeling between different sections of the community.

13) As regard the question of penalty, a power to

NOTE—Contn. Sheet.

W D 0417—GPB—80,000—S 9 36

6) Unauthorized construction of a mosque at Vilaghatta. 1116

Mang. File No. 2 45 of 1937. General and Revenue Secretariat

have to support other communities exercising their natural right to go in procession with music in the street and should not allow the objection of users of this mosque to prevail. It might be notified to these people, who insist upon using this building as a mosque, that if they so use it, they cannot claim the privilege of stoppage of music.

8 It was not necessary to have asked them to execute a mutchalika that no obstruction will be caused to the passing of religious or other processions by any community on any occasion in front of the building. The Chief Commissioner's Notification grants such privilege only to the old places of worship and not to new places of worship which are constructed without due sanction. Consequently it is immaterial whether these people agree to such a condition or not, as they cannot claim such a privilege for this building as this is a new place of worship. They cannot cause obstruction under law to the passing of religious or other processions by other communities and this may be made clear to them.

I do not agree this practice is to ensure that they have one more of the existing powers of law

9. One other step that Government can take, which will be rather drastic, is to raise high walls on Government land close to this building just on the northern and eastern sides. This will compel them to keep their main door on the back side.

7 S/ 2/7.

(1st Member)

CE 1/7/38

Serial No.

difficulty My sympathies are certainly not with the Muslims mainly because they put up the meagre material objections previously and subsequently whenever, however, is not much as to entitle them to any consideration

Mys
2-1-38 MK 3/1/39
9

IV James Uz 3/1/39

4/1/39

2

Secretary 3/1/39

3

Letter No C 133/38-39 dt 5.7.38 from the H.C in Mysore forwarding his views in the matter

(19) The Mysore Commissioner reports that the Mohamedans of the place have come to an agreement with the local Hindus, by which two stones have been fixed at a distance of 15 yards apart in the street immediately in front of the Mosque to determine the place where the

NOTE—Contn.-Sheet.

WD 0417—GPB—30,000—8 9 36

10) Unauthorised construction of a Mosque at Nidagatta

July File No. 245 of 1937 | General and Revenue Secretariat

Serial No.

Music of a Hindu procession would cease and reconvene, and that this arrangement between the two communities has been in operation for the last 5 or 6 years; and he had recommended sanction to allow the building being used as a mosque, subject to the above arrangement for the 1st eight days usual conditions and subject to the other two conditions, as this appears to be no other possible solution to overcome the difficulty.

2nd) Cases with reference to Dharwar Minute in para 17 supra. Attention is invited to para 3 of the Chief Comr.'s Circular No. 2528-72 dated 22nd Aug. 1871 regarding unauthorized construction of new places of worship. (Vide page 364 of the Mysore Manual) as modified by the orders of the then Hon'ble Member in G.O. dated 6.7.39. contained in paras 12-15 of the rules.

Submitted for orders

Secy

GENERAL 8 JULY 1937 181

21. The understanding between

Unauthorised Construction of a Mosque at Wilgaltha

Serial No.

the cause of [illegible] in the p
for consideration is whether [illegible]
[illegible] by the Govt. [illegible]
management, there is such
in the nature of [illegible] which
in the nature of, [illegible]. In this matter, p
is a dispute may arise when
differences in any manner may [illegible]
fact & the fact is could be
whether an agreement & the
could be entered for the
case is another point for con
It may bind the operations of the
present generation but I cannot
say whether it could bind everyone
& for all time to come.

2nd It is for order whether the
arrangement could be requested

(2nd Member)

3rd Last Section to work on the
the effect of the agreement

(Sect Law)

OFFICE OF THE SECOND MEMBER OF COUNCIL, 11 JUL 1939 No. 405

SECY. LAW DEPT. 13 JUL 1939 GOVT. OF MADRAS LEGISLATIVE SECRETARIAT

NOTE—Contn. Sheet

14 JUL 1939

17 Law

Serial No.

The answer to the Query put by 2nd member Council, I beg to state that if the agreement is entered into by the authorized representatives of the Muslim & Hindu Communities of the villages, then it will be binding on the Muslim & Hindu Communities of the villages, & their successors for all time. When I say "authorized representatives", I mean persons chosen by the Community to settle the dispute, & the Community should agree to abide by the decision given by their representatives - & such a Case the agreement will be valid & binding.

25 But there is another aspect to consider. In para 21 above it is stated that if the first-accepted arrangement with above, then, on the said arrangement is proved to the first-Notified date, & subsequent event, [illegible] if such an agreement could be enforced? It could be enforced if it does not explicitly the law laid down in Sec 23 of the Contract Act.

In my opinion is that [illegible] the agreement in Question, does not

Serial No.

in any way conflict with the law laid down in the 23rd Cachar Act, & as such, it is a valid agreement.

27 The Notification in question is on Page 127 of the Upper Assam Manual. The reason in issuing the said notification is "to prevent rival sects from establishing places of worship in localities where their position will inevitably provoke ill-feeling & actual disturbance." Thus, this notification is issued for an administrative purpose (viz) to prevent ill-feeling between 'rival sects'.

28 If the Notification in Question is to be strictly enforced, then music ought to be allowed in front of the said unauthorized mosque. The Govt order No 914-L.7.58-92 dated 6.6.1893, issued 22 years after the delivery of Notification in Question, the act of the District Officer was sanctioned, when he gave permission to the Hindus of Cachar & an express a request on condition that a procession of any other religion may continue to play music when passing in front of it, & the Govt disapproved of that permission & stated as follows:- "The Govt are sure that no enlightened member of any community whatsoever can feel any dissatisfaction in possessing a right, the exercise of which is necessarily attended with pain to the feelings of his neighbours." So if music is allowed in front of the mosque, in the exercise of a natural right & merely in support of the 1871 Notification the result would be disturbance of peace & cause

NOTE—Contn. Sheet.

Serial No.

for creating ill-feeling between the two Communities & the Govt themselves. The very object of our Govt would be frustrated if the 1871 Notification is enforced.

(4) Further, the Govt ought to have stopped the Construction when it started. Now that it is be fully constructed, & then to enforce the 1871 Notification seems to me to be ultra vires.

(5) Suppose the ~~Notification~~ Shrines ask the Govt Registrar for a licence to take out procession in front of the Mosque into music in Queen's would the District Registrar in the teeth of the opposition of the Hindus, ~~refuse~~ grant to the Shrines the request ~~licence~~ licence? I think, the District Registrar who is in touch of peace & order, would think twice before issuing such a licence, & if there is a likelihood of a breach of peace, he would be justified in not carrying out the order embodied in the said Notification.

Thus, the onus on Muslim is only an administrative one, which under altered circumstances, an executive authority in the proper exercise of his discretion, may even disobey.

Hence the opinion of the Govt

Serial No.

is not expressly forbidden by law, nor would it defeat any provision of law, nor does it cause any injury to any person or property, nor is it offensive to public policy. On the other hand, the two Communities have come to an amicable settlement about the agreement for last 5 or 6 years, and as such, the agreement is conducive to the preservation of good feeling & amity between the two Communities.

5) Hence the agreement may be accepted by Govt, ~~[illegible]~~ as a special case, provided :-

a) The agreement is entered into by the authorized representatives of both the Communities; &

b) The persons expressing their respect to Govt of the enactment of Constitution, & both the Communities undertake not to Construct, any temple or mosque without the express permission of Govt.

Law Secretary) 25/8/39.

1293/2578

33

An agreement executed by the principal representatives of the Mahomedan community in the village would be binding upon the community. The principle of representative suits and decisions against the representatives binding on the community is recognized in the Code of Civil Procedure. Thus,

NOTE—Contn. Sheet

if a mutchalika is executed by the principal members of the community, it will bind the community in regard to the extent of their right of stoppage of music which they could claim.

Such an agreement is not in the nature of a contract. The position will be this: Ordinarily no place of ~~of~~ public worship is entitled to stoppage of music by religious processions when passing it. Under the Chief Commissioner's Notification of 1871, certain institutions existing prior to it ~~would be~~ are entitled to such a right. No place of worship erected subsequently without the sanction of the Deputy Commissioner would be entitled to such a right. If it is erected with the permission of the Deputy Commissioner, it may be entitled to a right of stoppage of music. In the present case, if the Government accept this agreement on the part of the Muslim community of Nidaghatta, it would mean that this mosque would be given the right of stoppage of music within the 15 yards limit agreed upon. If a dispute should arise in future, the local authorities would enforce the stoppage of music within those limits. The only method of prohibiting them from using the building as a mosque is by an order under Sec. 144 of the Code of Criminal Procedure or by compulsory acquisition of the property under the Land Acquisition Act. An order under the Code of Criminal Procedure will be in force for two months and it can be extended by Government subsequently from time to time. That

Secretariat Records
Secretariat

File No

App. F. II

Serial No.

That is only an emergency provision.

4892

5120
2.1.40

2nd Member

6 3/1/2

I/C 3 4/1/40
2.1.40

6 2/1

Minister in charge of Legislation 3 2/1/40

Secy

3 1.1.40

38 3/1/40

39 The Municipal Commissioner to allow the Mahomedans to use the building as a mosque subject to the conditions agreed to by the Municipality is for orders. Should also for orders if there should be any objection as regards the Sanctioned matter.

3.1.40

Secy

40

2 Members 4/1/40

41

Revenue 5.1.

Chief Secy 42 5/1/40

6-1-40

43 For favour of circulation.

Minister in charge of Legislation 6/1/40

GENERAL SECRETARIATS
3 JAN. 1940
4879

GENERAL SECRETARIATS
4 JAN. 1940
4905

OFFICE OF THE SECRETARY TO THE COUNCIL
4 JAN 1940
5229

Furnished with a Circulation Memo for 9/1/40.

Signed MS 9/1

NOTE—Contn. Sheet

CHIEF SECRETARY
9 JAN. 1940
MYSORE

File No.

General and Revenue Secretariat.

Serial No.

For Disposal by Circulation. **No. C. 261**

of 1939-40

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Proposal to allow the building unauthorisedly constructed at Nidaghatta Village in Hoskote Taluk, to be used as a mosque subject to certain conditions.

Circulated to the Members of Council.

By Order,

Chief Secretary to Government.

9th January 1940.

44 6528 7.1.1940 **First Member of Council.** NM 10/1/40

45 **Second Member of Council.** (seen)

46 For favour of Final Note

Second Member) MRS 10.1.40

47 5584 13.1.40 Signed Final Note placed Below

13.1.40

13/1/40

48 S.N. Sinha 15.1.40

Dewan

Submitted to His Highness.

I submit herewith a Final Note by the SECOND *Member of Council on the subject of* the proposal to allow the building unauthorisedly constructed in Nidaghatta village, Hoskote Taluk, to be used as a mosque subject to certain conditions, *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

Bangalore,

15th January 1940.

Final Note by the Second Member of Council.

Subject.— Proposal to allow the building unauthorisedly constructed at Nidaghatta Village in Hoskote Taluk to be used as a mosque subject to certain conditions.

The Mussalman residents of Nidaghatta Village in Hoskote Taluk unauthorisedly constructed a mosque in the heart of the village and when they were pressed, as per rules for the construction of new places of worship, to execute mutchalik on Stamp Paper incorporating the marginally noted three conditions, they refused to do so on the ground that the first condition was not acceptable to them. When action was being contemplated to refuse permission to them to use the building as a mosque, the Muzrai Commissioner, who was addressed to in the matter, brought to the notice of Government of the existence of an agreement between the Mussalmans and Hindus of the Village by which two stones had been fixed at a distance of about 15 yards apart in the street immediately in front of the mosque, to determine the place where the music of Hindu processions should cease and recommence and stated that this agreement had been in force for the past five or six years and that both the communities had agreed to abide by the agreement arrived at between themselves. He has recommended that this mutual agreement may be accepted and substituted for the first condition imposed under the rules. It is proposed to accept the recommendation of the Muzrai Commissioner and to permit the Mussalmans of Nidaghatta Village to use the building

1. That no obstruction would be caused to the passing of religious or other processions with music, of any community, on any occasion.
2. That there would be no objection to the construction in the vicinity, of any religious building of any other persuasion.
3. That a stone tablet would be put up at the cost of the institution in a conspicuous place with an inscription of the above conditions, mentioning the date of construction.

ing

building as a mosque on their executing a mutchalika on a stamped paper incorporating the agreement and the other two conditions referred to above.

The above proposal which has been agreed to by the Dewan and the First Member of Council may be graciously approved.

SECOND MEMBER OF COUNCIL.

Bangalore.
13th January 1940.

Record of Cases submitted for the Orders of

His Highness the Maharaja.

Subject.

Proposal to allow the building unauthorisedly constructed in Nidaghatta village, Hoskote Taluk, to be used as a mosque subject to certain conditions.

Order.

~~KRW~~
18/1/40

MS
22/1/40

General and Revenue

Secretariat.

SUBJECT —

Proposal to close the building
as authorised by Government in
Nadiad Village, Kheda Dt. to
be used as a mosque subject to
certain conditions

---

(1)

31 All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary be ordinarily circulated to the Members of Council for perusal after the issue of orders

33 The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members

34 In all other cases the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders

5-1

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* *Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

Chief Secretary to Government.

5-2

Through the Secretary to Government,

General Department

5-3

7005
23/1/40.

FIRST MEMBER OF COUNCIL. 23/1/40

5883
23/1/40

5-4

SECOND MEMBER OF COUNCIL

23/1

5-5

Gen Secy with compliments.

24/1/40

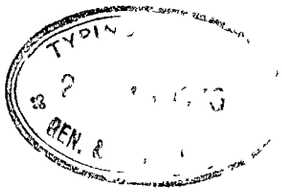
NOTE —Contn sheet

WD 04642—GPB—500—28-10-39

(4)

Unauthorised occupation of Nomad's Field.

General and Revenue Secretariat. | Serial No. | Subject File No 2447 of 1937 | [App. F. II -1



Serial No. 56 Cable with a draft for Rs. 1000

Dft 25/1/40 Govt

Serial No. 57 Same to Mr Wills

Serial No. 4 1550 — 1 circular — 27.1.40
The Manager Co.
Debt Commission
Accounts Department

Previous 29/1/40

Colts Manager [illegible]

NOTE—Contn. Sheet

File No. of 19 .

General and Revenue Secretariat.

Serial No.

Mys 225-37-1

M. O. 18]
No. C/1339/34-35
Two & one file

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, ...24th. March..... *1938*

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

M. Venkatesa Iyengar, Esq., B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
.....General.....*Department.*

GENERAL SECTION
26 MAR 1938

SIR,

Unauthorised Construction of a Mosque
in
Nidaghatta Village, Hoskote Taluk

With reference to correspondence ending with your D.O. letter No.1443/G.B.185-36-5 dated 24-11-1937, stating, among other matters that the Standing Orders on the subject in respect of the above should be followed, I have the honor to state that the Deputy Commissioner, Bangalore District, was asked to obtain and send an Agreement on a Stamp Paper, embodying the conditions under which new places of worship could be constructed.

The Deputy Commissioner states, in his letter No.C3-2822/33-34 dated 24-2-1938 (copy enclosed), that the Amildar reports that the Mahomedan residents of the village are not agreeable abide by the 1st condition, i.e.,"that no obstruction would be caused to the passing of religious or other processions of any community, on any occassion, in front of the building"; that they are not amenable to persuasion; and that the mosque may be closed up till such time as the village Musalmans agree to the terms and conditions laid down in this office Circular dated 17-12-1937 (copy enclosed), issued in connection with construction of new places of worship. The Deputy Commissioner solicits orders as to the course of action to be taken in the matter in view of the fact that the building has been completed already

Under the circumstances, the building which is unauthorisedly constructed, will have to be prohibited from being used as a mosque.

I, therefore, request that orders of Government may kindly be obtained for prohibiting the people from using the building as a mosque.

The connected records are sent herewith for reference and return.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter No.C3-2822/35-34 dated 24-2-38 from the Deputy Commissioner, Bangalore District, to the Muzrai Commissioner in Mysore.

Subject:- Unauthorised construction of a Mosque in Nidaghatta Village, Hoskote Taluk.

With reference to correspondence ending with your D.O. reminder No. 1339/34-35 dated 4th February 1938, calling for a further report on the above subject, I have the honor to state that the Sub Division Officer, Doddaballapur Sub-Division who had been requested to get an agreement executed on a stamped paper as required in your D.O. letter of even number dated 10th December 1937, ex embodying the conditions governing the construction of new places of worship, has submitted the report of the Amildar, Hoskote Taluk, dated 28th January 1938. It is seen from the said report of the Amildar, that the Musalman residents of the village are not agreeable to execute the mutchalika, especially with the condition that "no obstruction would be caused to the passing of religious or other processions of any other community, on any occasion, in front of the building". The Amildar adds that they are not amenable to persuasions and recommds that the mosque may be closed up till such time as the villagers (Musalmans) agree to the terms of the mutchalika and execute the same.

Under these circumstances, I request the favour of orders as to the course of action to be taken in the matter, in view of the fact that the building has been completed already.

The file of papers connected with the case are enclosed herewith for your kind reference and return.

"COPY"

M. N. Ananthan

For Muzrai Commissioner.

MK

Circular No.R.DIS.79/57-58 dated 17-12-57 from the Muzrai Commissioner in Mysore, to the Deputy Commissioners of Districts.

Conditions governing the Construction
of
New Places of Worship.

It is observed that the Standing Orders prescribed in the several Circulars and Government Orders printed in pages 364-368 of the Muzrai Manual, in regard to the mutchalikas to be obtained on Stamp Paper in respect of construction of new places of worship, are not being correctly observed in a few cases; and that, this leads to unnecessary correspondence and delay in the disposal of these matters.

The Deputy Commissioners are requested to invite the attention of the local officers to the above Standing Orders on the subject and instruct them to obtain such mutchalikas on a Stamp Paper, invariably incorporating the following conditions:-

I. That no obstruction would be caused to the passing of religious or other processions with music, of any community, on any occasion.

II. That there would be no objection to the construction in the vicinity, of any religious building of any other persuasion.

III. That a stone tablet would be put up at the cost of the institution in a conspicuous place with an inscription of the above two conditions, mentioning the date of construction.

"COPY"

M. N. Ananthan.

For Muztai Commissioner.

Appendix F G—11

SUBJECT.....

.....

.....

Section

File No. 245-37

Serial No. 2

Diary No. of letter replied to.....

No. 1086/Records

To

The Hon'ble Sir

General and Revenue Secretariat

( )

the *193* .

Date of issue 9-1-39

Signed by for S. Q. V. Iyer

Dear Sir

With reference to your endorsement letter No. C. 137.9/34.5 dt. 25.3.1938 regarding the unauthorised construction of a room in Nidagalatta Village, Kunigal Taluk, I am desired to request you to see if you could arrange to get a satisfactory solution of the difficulty

List of enclosures.....

Copied by.....

Examined by.....

WD 03601—GPB—30,000—23-9-35

Ha Comrades rewards
Allen Ginsberg for readings
& readings with Jonah Raskin
Yours Sincerely
Ha
3/1/73

GENERAL AND REVENUE SECRETARIAT.

D. O. No. 6086 Genl/38-39

Dated, Bangalore, 6th January 1939.

Typing Section
for kindly typing
this as enclosed 245-37-2
Records

Dear Sir,

With reference to correspondence ending with your predecessor's letter No.C.1339/34-5 dated 25th March 1938, regarding the unauthorised construction of a mosque in Nidaghatta Village, Hosakote Taluk, I am desired to request you to see if you could suggest a satisfactory solution of the difficulty. The connected records accompany for reference and return with your reply.

Yours sincerely,

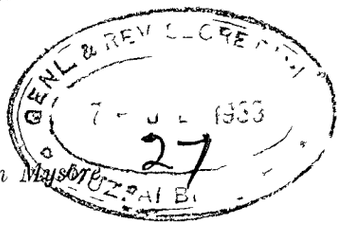
S. Abdul Wajid, Esq., B.A.,
Revenue Commissioner in Mysore,
Bangalore.

Jaiey 245-37-

M. O. 18] No. C.1339/37-

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

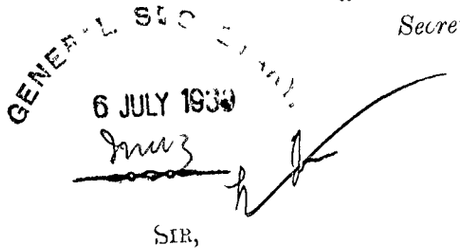
Bangalore, 4th July *1939*



FROM S ABDUL WAJID, Esq, B A,
Muzrai Commissioner in Mysore.

To

J. Appaji Gowda, Esq., B.A.(Hon.),
Secretary to the Government of His Highness the Maharaja of Mysore
General *Department*



SIR,

Unauthorised construction of a Mosque in Nidaghatta Village, Hoskote Taluk.

With reference to your D.O. letter No.1086/Muz.245-37-2 dated 9th January 1939 asking me to suggest a satisfactory solution to overcome the difficulty regarding the above, I have the honour to state that the Deputy Commissioner, Bangalore District, who was consulted in the matter has reported in his letter No.C3-2822/33-34 dated 9th June 1939 (copy enclosed) that, the Sub Division Officer, Doddaballapur Sub Division, visited the village on 31-3-'39 and discussed the matter with the leading Mahomedans of the place, but that they were not agreeable to the first of the three conditions noted in the margin, and that they were agreeable to abide by the second and the third conditions.

1) That no obstruction would be caused to the passing of religious or other processions with music, of any community, on any occasion.

2) That there would be no objection to the construction in the vicinity, of any religious building of any other persuasion.

3) That a stone tablet would be put up at the cost of the institution in a conspicuous place, with an inscription of the above two conditions mentioning the date of construction.

Further, he states that, the Mahomedans have come to an agreement with the Hindus, by which two stones have been fixed at a distance of about 15 yards apart in the street, immediately in front of the mosque to determine the place where the music of a Hindu procession would ceas and recommence; that, this agreement between the two communities has been in operation for the last five or six years and that they have agreed to abide by the agreement arrived at between themselves. In the

circumstances, the Deputy Commissioner suggests that the agreement arrived at by the members of both the communities may be accepted; and requests that the permission may be granted, to obtain a mutchalika on a stamped paper substituting the arrangement entered into by them for the first condition of the mutchalika, and to allow them to use the mosque as a place of worship, as there appears to be no other possible solution, to overcome the difficulty.

In the circumstances, I support the recommendation of the Deputy Commissioner, and request that orders of Government may kindly be obtained, to allow the building being used as a mosque on the conditions referred to above.

The connected records are ~~returned~~ sent herewith for reference and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

47

letter No.C3-2822/35-34 dated 1-6-39 from the Deputy Commissioner, Kolar District, to the Muzrai Commissioner in Mysore.

Re. the unauthorised construction of a mosque at Nidaghatta in Hoskote Taluk.

With reference to correspondence ending with your D.O.letter No.C-1339/34-35 dated 25th January 1939, requesting me to suggest a satisfactory solution of the difficulty, I have the honor to state that instructions had been issued to the Sub Division Officer, Dodballapur Sub Division, to visit the village and to persuade the people to sign the agreement informing that the mosque would otherwise be closed, since it was build contrary to provisions of the Government orders on the subject.

The Sub Division Officer reported in his letter No.A2-1605/37-38 dated 3rd April 1939, that he visited the village on 31-3-39 and met the leading Mahomedans of the place, and discussed the question with them, but they were unanimous in saying that they could not agree to the first condition contained in the mutchalika and that they would abide by the second and third conditions and further that they had already come to an agreement with the Hindu residents in the village, as a result of which two stones had been fixed at a distance of about 15 yards apart in the street immediately in front of the mosque to determine the place where the music of a Hindu procession had to cease and to recommence by which apprehension of trouble between the Hindus and themselves had been set at rest. He has also obtained a statement from the Hindu residents of the village agreeing to the above conditions. The Sub Division Officer further states that his agreement between the Hindus and Mahomedans has been in operation for the last about five or six years though no report to any Government Officer had been made to this effect and that they were getting on amicably.

In these circumstances, I would suggest that the agreement might be caused to be executed by the Mahomedan residents of the place substituting the above arrangement entered into by the Hindus and Mahomedans for the first condition of the mutchalika required from them, together with conditions Nos. 2 and 3 to which they are agreeable and the necessary agreement got executed and the mosque allowed to be used as a place of worship as there appears to be no other possible solution out of the situation.

The vernacular file of records connected with the case is enclosed herewith for your kind reference.

"Copy"

M. N. Ananthaswamy.

For Muzrai Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Correspondence ending with letter No.C.1339/34-35 ted 5th July 1939, from the Muzrai Commissioner in sore, requesting in the circumstances reported sanc- on to allow the building unauthorisedly constructed Nidaghatta Village, Hosakote Taluk, to be used as a sque subject to certain conditions.

ORDER NO. 15-50-1/Agric 24537-4.

Dated, Bangalore, the 26th January 1940.

The Mussalman residents of Nidaghatta Village in Hosakote Taluk are reported to have unauthorisedly constructed a mosque in the heart of the village and when they were pressed as per rules for the construction of new places of worship, to execute a mutchalika on Stamp Paper incorporating the marginally noted three conditions they refused to do so on the ground that the first condition was not acceptable to them. When action was being contemplated to refuse permission to use the building as a mosque, the Muzrai Commissioner who was addressed to in the matter brought to the notice of Government of the existence of an agreement between the Mussalmans and the Hindus of the Village by which two stones had been fixed at a distance of about 15 yards apart in the street immediately in front of the mosque, to determine the place where the music of the Hindu Processions should cease and recommence and stated that this agreement had been in force for the past five or six years and that both the communities had agreed to abide by the agreement arrived at between themselves. He has recommended that this mutual agreement may be accepted and substituted for the first condition imposed under the rules.

1. That no obstruction would be caused to the passing of religious or other processions with music, of any community, on any occasion.

2. That there would be no objection to the construction in the vicinity, of any religious building of any other persuasion.

3. That a stone tablet would be put up at the cost of the institution in a conspicuous place with an inscription of the above two conditions, mentioning the date of construction.

Government are pleased to accept the recommendation of the Muzrai Commissioner and to permit the Mussalmans of Nidaghatta Village Hoskote Taluk to use the building as a mosque on their executing a muchalika on a stamped paper in

incorporating the agreement and the other two conditions referred to above.

For General Secretary to Government.

The Muzrai Commissioner in Mysore, with papers.
Deputy Commissioner, Bangalore District.

K.M.R.4.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to... 27

General and Revenue Secretariat

( )

the 193 .

Date of issue 26-1-40 193

Signed by W. S. K. V.

May this be—

(i) printed ?

(ii) treated as a standing order ? } Yes

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part ?

Section Mucy

File No. 245-37

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Correspondence ending with Letter No C 1339/34-35 dated 5.7.1939 from D.C. in Mysore requesting in the circumstances reported sanction to allow the building unauthorisedly constructed in Widaghatta

Order thereon.—No. Village, Hosakote Taluk, to be used as a Mosque subject to certain conditions

Order No 1550-1 Revenue.

The Mussalman residents of Widaghatta Village in Hosakote Taluk are reported to have unauthorisedly constructed

a mosque in the heart of the
village and when they have
proper as per Rules, for the
convenience of Mahomedans
for worship; to execute a Muchalka
on Stamp paper in conformity
to the Municipality notice since
Can which they refused to
do so on the ground that
the said condition has not
been complied with. Whether
action should be taken
for refusing permission to use
the building as a mosque.
The Municipal Council has
addressed in the matter
brought to the notice of Govt
of the existence of an agreement
between the Mussalmans and
the Hindus of the village by which
no Mosque should be erected
at a distance of about 15 yards

Here enter conditions
1 & 2 in Form 1.
Re the Kind note

List of Enclosures

Copied by

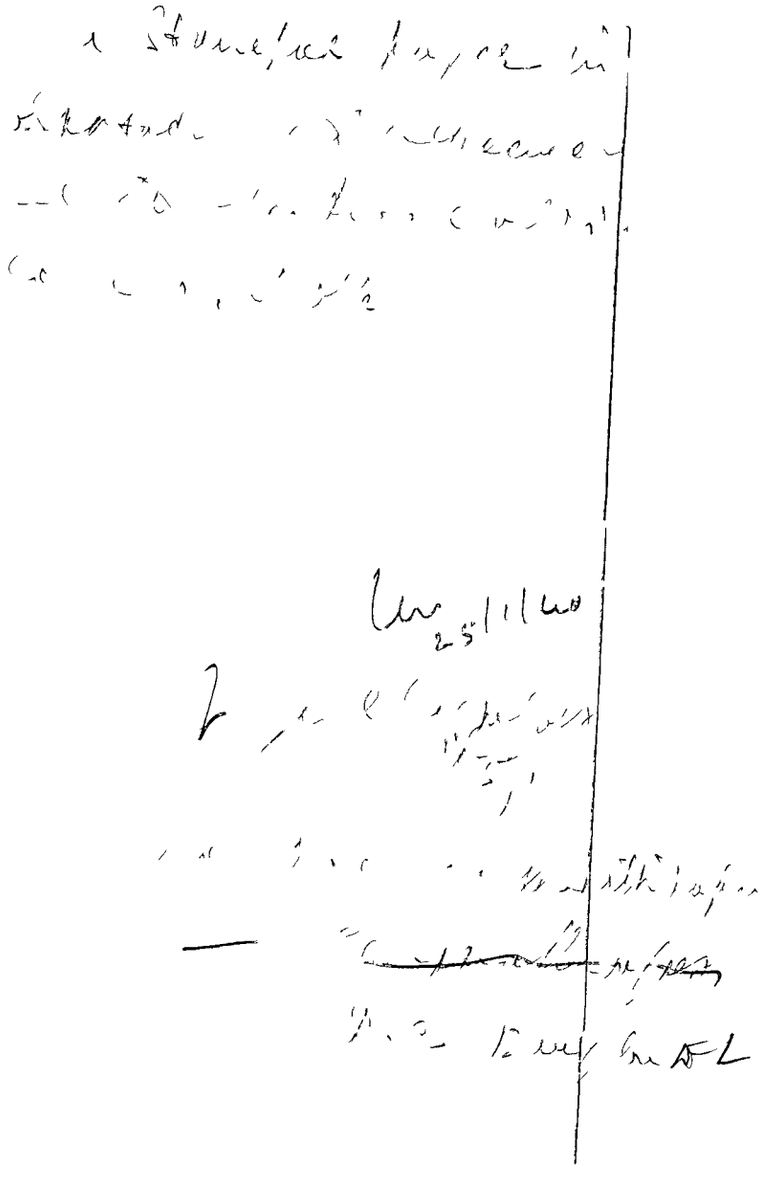
Examined by

F. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

WD 0136—GPB—10,000—17·10·33



S. O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No 1550-1—Muz. 245-37-4, dated 26th January 1940.

Mosque Building at Nidaghatta

Permits the Musalmans of Nidaghatta, Hoskote Taluk, to use the —— as a mosque subject to certain conditions.

READ—

Correspondence ending with letter No. C 1339—34-35, dated 5th July 1939, from the Muzrai Commissioner in Mysore, requesting in the circumstances reported sanction to allow the building unauthorisedly constructed in Nidaghatta Village, Hoskote Taluk, to be used as a mosque subject to certain conditions.

ORDER No. 1550-1—MUZ. 245-37-4, DATED BANGALORE, THE 26TH JANUARY 1940.

The Musalman residents of Nidaghatta Village in Hoskote Taluk are reported to have unauthorisedly constructed a mosque in the heart of the village and when they were pressed as per rules for the construction of new places of worship, to execute a mutchalika on stamp paper incorporating the undermentioned three conditions they refused to do so on the ground that the first condition was not acceptable to them. When action was being contemplated to refuse permission to use the building as a mosque, the Muzrai Commissioner who was addressed to in the matter brought to the notice of Government of the existence of an agreement between the Musalmans and the Hindus of the village by which two stones had been fixed at a distance of about fifteen yards apart in the street immediately in front of the mosque, to determine the place where the music of the Hindu processions should cease and recommence and stated that this agreement had been in force for the past five or six years and that both the communities had agreed to abide by the agreement arrived at between themselves. He has recommended that this mutual agreement may be accepted and substituted for the first condition imposed under the rules.

1. That no obstruction would be caused to the passing of religious or other processions with music, of any community, on any occasion.
2. That there would be no objection to the construction in the vicinity of any religious building of any other persuasion.
3. That a stone tablet would be put up at the cost of the institution in a conspicuous place with an inscription of the above two conditions, mentioning the date of construction.

Government are pleased to accept the recommendation of the Muzrai Commissioner and to permit the Musalmans of Nidaghatta Village, Hoskote Taluk, to use the building as a mosque on their executing a mutchalika on a stamped paper incorporating the agreement and the other two conditions referred to above.

J. APPAJI GOWDA,
Secretary to Government,
General Department.

To—The Muzrai Commissioner in Mysore.
The Deputy Commissioner, Bangalore District.

Exd.—C. K.

WD 3320—GPB—470—6 2 40